

REMARKS

1. The Examiner has required a further restriction of species in the Markush groups of generic Claims 3 and 9. The Examiner's restriction is acknowledged and Applicants have elected one species from generic Claims 3 and 9, the bypass baffle. Applicants traverse the restriction requirement on the grounds that there are only three species and that it will not be a burden on the Examiner to examine these generic claims with all three species.

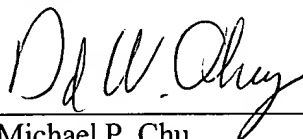
2. In the restriction requirement mailed on October 9, 2002, the Examiner admitted that Claims 3 and 9 of the present application are generic. Office Action mailed October 9, 2002, p. 3, line 4. The Markush groups in those claims name three species of lower baffle, namely, a depressed portion, a leak path, and a bypass baffle. If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions (emphasis added). MPEP 803.02. In our case, only three species are involved. Clearly, this number is small enough to require the Examiner to examine all three species pursuant to MPEP 803.02.

3. Applicants maintain traverse on the restriction requirements elected in the previous response, as to the product/process restriction and the species I/II restriction. Applicants have elected Invention I, the product, and species I, as depicted in Fig. 4 and as claimed in claims 1-6. The Examiner still has not given a convincing example of how the product as claimed may be used in a materially different process. The Examiner has thus not borne the burden of distinguishing between the product and process of the present invention. Furthermore, Applicants are entitled to a reasonable number of species of such a product, even if the species are patentably distinct. The Examiner is respectfully requested to withdraw the species I/II restriction requirements, and the product/process restrictions.

4. Applicants have amended the application by adding new claim 20, depending from Claim 1. This claim is believed to fall into the already-elected Species I and already-elected Invention I. No new matter has been added in adding this claim. There is support for this claim at least in Figs. 4 and 6 and in the accompanying text, and in the claims as filed. The Examiner is requested to include this claim in the group that is being examined.

5. The Examiner is again requested to withdraw the species restriction as to generic Claims 3 and 9, as between species of a lower baffle. Nevertheless, Applicants have elected the bypass baffle species, with traverse. Reconsideration by the Examiner of the restriction requirement is earnestly solicited, in light of the requirements of MPEP 803.02.

Respectfully submitted,



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